

REMARKS

Claims 1-22 are currently pending in the subject application and are presently under consideration. A clean version of all pending claims is found at pages 4-7. Claims 1, 3-6, 8-10, 13-15, and 17-20 have been amended herein. Please cancel claim 11 without prejudice and disclaimer. Please add new claims 21 and 22 for consideration. No new matter has been added. A marked-up version of claim amendments made herein is found on pages 15-18 of this Reply.

Amendments to the specification have been made to correct typographical errors, and no new matter has been added. A clean version of all the replacement paragraphs is found at pages 2-3. A marked-up version of all the replacement paragraphs is found at pages 13-14.

The Examiner should be aware that the primary reference (U.S. 6,332,575 to Schuessler *et al.*) is commonly owned by the assignee (Symbol Technologies, Inc.) of the subject invention. As discussed in greater detail below, the §102(e) rejection is not proper for at least the herein claim amendments. Moreover, applicants' representative is investigating the sufficiency of the §103 rejection in view of 35 U.S.C. §103(c) *vis a vis* the subject patent even being citable art against the presently claimed invention. To the extent the Examiner deems appropriate, applicants' representative is prepared to file a terminal disclaimer with respect to the patent and this application.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 2, 8-14, and 16-20 Under 35 U.S.C §102(e)

Claims 1, 2, 8-14, and 16-20 are rejected under 35 U.S.C. §102(e) as being anticipated by Schuessler *et al.* (US 6,332,575). Withdrawal of this rejection is respectfully requested in view of the amendments to claims 1, 13 and 20, and the claims that depend therefrom.

It is respectfully submitted that the present invention, as recited in the subject claims, is no longer anticipated by Schuessler *et al.* because Schuessler *et al.* fails to teach each and every element recited in the respective amended claims.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention relates to an image collecting module comprising a first photo indicator operable to provide an indication of a valid read of a first portion of a hybrid dataform and, a second indicator operable to provide an indication of a valid read of a second portion of the hybrid dataform.

The language of claim 1, as now amended, distinguishes over Schuessler *et al.* under Section 102, because Schuessler *et al.* does not disclose a capability of the image collecting module including a photo (or illumination) indicator operable to provide an indication of a valid read of a hybrid dataform.

The language of claim 13, as now amended, distinguishes over Schuessler *et al.* under Section 102, because Schuessler *et al.* does not disclose a capability of the image collecting module providing the indication in the form of a photo signal if the first and second portion of the hybrid dataform are valid.

The language of claim 20, as now amended, distinguishes over Schuessler *et al.* under Section 102, because Schuessler *et al.* does not disclose a capability of the image collecting module enabling an illumination indicator if the first portion of the hybrid dataform is valid and disabling the illumination indicator if the second portion of the hybrid dataform is valid.

Accordingly, claims 2 and 8-12 that depend from claim 1, and claims 14 and 16-19 that depend from claim 13 are not anticipated by Schuessler *et al.*, and thus allowable.

II. Rejection of Claims 3-7 and 15 Under 35 U.S.C §103(a)

Claims 3-7 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schuessler *et al.* in view of Collins, Jr., (US 5,444,226). The teachings of Schuessler *et al.* have been discussed above. It is again noted that the Examiner should be aware that the primary reference (U.S. 6,332,575 to Schuessler *et al.*) is commonly owned by the assignee (Symbol Technologies, Inc.) of the subject invention. Applicants' representative is investigating the sufficiency of the §103 rejection in view of 35 U.S.C. §103(c) *vis a vis* the subject patent even being citable art against the presently claimed invention. To the extent the Examiner deems appropriate, applicants' representative is prepared to file a terminal disclaimer with respect to the patent and this application.

The subject claims depend respectively from independent claims 1 and 13. Collins, Jr. fails to make up for the aforementioned deficiencies of Schuessler *et al.* with respect to these independent claims. Moreover, the references themselves do not provide a requisite basis for suggesting or motivating the Examiner's purported combination.

“[i]t is insufficient to establish obviousness that the separate elements of the invention existed in the prior art, absent some teaching or suggestion, **in the prior art**, to combine the elements.” *Arkie Lures Inc. v. Gene Larew Tackle Inc.*, 43 USPQ2d 1294, 1297 (Fed. Cir. 1997) (emphasis added). Moreover, that such elements may have co-existed individually for an extended period of time, but never combined in the manner claimed actually supports a conclusion of **non-obviousness**. *Id.*

In view of the aforementioned deficiencies of Schuessler *et al.* and because the requisite teaching or suggestion to combine the elements in the manner suggested is absent from the cited references, it is respectfully submitted that this rejection be withdrawn.

III. New Claims 21 and 22

New claims 21 and 22 have been added for consideration - no new matter has been added.

Claim 21 recites an image collecting module, comprising a vibration system for indicating the read status of a hybrid dataform, the system including a first vibration indicator operable to provide an indication of a valid read of a first portion of the hybrid dataform, the first vibration indicator being an on state of the vibration system, and a second vibration indicator operable to provide an indication of a valid read of a second portion of the hybrid dataform, the second vibration indicator being an off state of the vibration system, wherein the vibration system vibrates upon the valid read of the first portion and remains on until the valid read of the second portion.

With respect to claim 21, neither Schuessler *et al.* nor Collins, Jr., discloses or fairly suggests the image collecting module utilizing a vibration system for indicating a read status of a hybrid dataform.

Claim 22 is recites a portable image collecting module, comprising a first indicator operable to provide an indication of a valid read of a first portion of a hybrid dataform, and a second indicator operable to provide an indication of a valid read of a second portion of the hybrid dataform, wherein the first indicator and the second indicator each in the form of one of an audio signal, a photo signal, and a vibration signal.

With respect to claim 22, neither Schuessler *et al.* nor Collins, Jr., discloses or fairly suggests a portable image collecting module utilizing at least one of an audio signal, a photo signal, and a vibration signal for indicating a read status of a hybrid dataform.

Accordingly, for the reasons posited hereinabove, it is requested that claims 21 and 22 be allowed.


IV. Conclusion

The present application is believed to be condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,
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MARKED-UP VERSION OF REPLACEMENT PARAGRAPHS OF THE SPECIFICATION

On page 1, lines 25-31, please replace the paragraph with the following:

--Bar code dataforms come in a variety of different formats including one and two dimensional bar codes, matrix codes and graphic codes, as well as words and numbers and other symbols, which may be printed or etched on paper, plastic cards and metallic and other items. For example, a one dimensional bar code dataform typically consists of a series of parallel light and dark rectangular areas of varying widths. The light areas are often referred to as [Aspaces@]"spaces" and the dark areas as [Abars.@]"bars." Different widths of bars and spaces define different characters in a particular bar code dataform.--

On page 6, lines 8-22, please replace the paragraph with the following:

--An imaging assembly 46 is mounted in the upper housing portion 14 for imaging the target object 36 having a two-dimensional imaging target area 48 located above a one-dimensional target area 50. The imaging target areas 48 and 50 define the field of view of the imaging assembly 46, with the axis 32 intersecting the imaging target area near its center. The image (*e.g.*, reflected light) of the target object 36 is received by the imaging assembly through the aperture 34. The imaging assembly 46 includes a photosensor circuit board 51 having a photosensor array 52 and other circuitry to facilitate the image collection process. The imaging assembly 46 also includes at least one reflector 54 for receiving the image of the target object 36 and redirecting the received image onto the photosensor array 52. The reflector 54 may direct [the] both the two-dimensional imaging target area 48 and the one-dimensional target area 50 to different portions of the photosensor array 52. Alternatively, the reflector may be movable to direct one of the portions to the photosensor array prior to directing the other portion. It is to be appreciated that a variety of different methodologies may be employed to direct and decode the image of the target object 36.--

On page 11, lines 1-9, please replace the paragraph with the following:

--What has been described above are certain aspects of the present invention. It is, of course, not possible to describe every conceivable combination of components or methodologies for purposes of describing the present invention, but one of ordinary skill in the art will recognize that many further combinations and permutations of the present invention are possible. Accordingly, the present invention is intended to embrace all such alterations, modifications and variations that fall within the spirit and scope of the appended claims. Furthermore, to the extent that the term [Aincludes@]"includes" is used in either the detailed description and the claims, such term is intended to be inclusive in a manner similar to the term [Acomprising.@]"comprising."--

MARKED UP VERSION OF AMENDED CLAIMS

1. (Amended) An image collecting module, comprising:
a first photo indicator operable to provide an indication of a valid read of a first portion of a hybrid dataform; and
a second indicator operable to provide an indication of a valid read of a second portion of the hybrid dataform.
3. (Amended) The module of claim 1, the first photo indicator being a first LED and the second indicator being a second LED.
4. (Amended) The module of claim 3, the first LED flashing a first color upon a valid read of the first portion and flashing a second color upon an invalid read of the first portion, and the second LED flashing the first color upon a valid read of the second portion and flashing the second color upon an invalid read of the second portion.
5. (Amended) The module of claim 3, the first LED illuminating upon a valid read of the first portion, and the second LED flashing and the first LED turning off upon a valid read of the second portion.
6. (Amended) The module of claim 1, the first photo indicator being an on state of a LED and the second indicator being an off state of the LED wherein the LED illuminates upon a valid read of the first portion and remains on until a valid read of the second portion.
8. (Amended) The module of claim 1, the first photo indicator being a first LED [audible] signal and the second indicator being a first[second] audible signal.

9. (Amended) The module of claim 8, further comprising a second audible indicator generating a second audible signal, the first audible signal having a different tone than the second audible signal.

10. (Amended) The module of claim 1, the second[first] indicator being an audible indicator representative of an on state of an audible system and the second indicator being an audible signal of an off state of the audible system, wherein the audible system stays on upon the[a] valid read of the first portion and remains on until the[a] valid read of the second portion.

13. (Amended) A method of providing indication of a valid read by an image collecting module, comprising:

- reading in a first portion of a hybrid dataform;
- determining if the first portion is valid;
- reading in a second portion of the[a] hybrid dataform;
- determining if the second portion is valid; and
- providing the[an] indication in the form of a photo signal if the first and second portion are valid.

14. (Amended) The method of claim 13, wherein providing the[an] indication if the first and second portion are valid comprises providing a first indication if the first portion is valid and providing a second indication if the second portion is valid.

15. (Amended) The method of claim 14, wherein providing the[a] first indication comprises flashing a first LED for a valid read of the first portion and providing the[a] second indication comprises flashing a second LED for a valid read of the second portion.

17. (Amended) The method of claim 14, wherein providing the[a] first indication comprises providing a first audible tone for a valid read of the first portion and providing the[a] second indication comprises providing a second audible tone for a valid read of the second portion.

18. (Amended) The method of claim 14, wherein providing the[a] first indication comprises[comprising] activating an audible tone for a valid read of the first portion and providing the[a] second indication comprises deactivating the audible tone for a valid read of the second portion.

19. (Amended) The method of claim 14, wherein providing the[a] first indication comprises activating a vibration system for a valid read of the first portion and providing the[a] second indication comprises deactivating the vibration system for a valid read of the second portion.

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20. (Amended) An image collecting system, comprising:
means for determining a valid read of a first portion of a hybrid dataform;
means for determining a valid read of a second portion of a hybrid dataform;
means for enabling an illumination indicator if the first portion of the hybrid dataform is valid; and
means for disabling the illumination indicator if the second portion of the hybrid dataform is valid.

21. (New) An image collecting module, comprising:
a vibration system for indicating the read status of a hybrid dataform, the system including:
a first vibration indicator operable to provide an indication of a valid read of a first portion of the hybrid dataform, the first vibration indicator being an on state of the vibration system; and
a second vibration indicator operable to provide an indication of a valid read of a second portion of the hybrid dataform, the second vibration indicator being an off state of the vibration system;
wherein the vibration system vibrates upon the valid read of the first portion and remains on until the valid read of the second portion.

22. (New) A portable image collecting module, comprising:
a first indicator operable to provide an indication of a valid read of a first portion of a hybrid dataform; and
a second indicator operable to provide an indication of a valid read of a second portion of the hybrid dataform;
wherein the first indicator and the second indicator each in the form of one of an audio signal, a photo signal, and a vibration signal.